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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MATTHEW WADE BEASLEY,  
  
Defendant.

Case No. 2:22-mj-171-EJY

**Stipulation to Extend Deadlines to  
Conduct Preliminary Hearing and  
File Indictment (Fourth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Daniel R. Schiess and Eric C. Schmale, Assistant United States Attorneys, counsel for the United States of America, and Garrett T. Ogata, Esquire, counsel for Defendant MATTHEW WADE BEASLEY, that the Court schedule the preliminary hearing in this case for no sooner than 30 days from the date of the filing of this stipulation. This request requires that the Court further extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
3 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
4 appearance if the defendant is in custody . . . .”

5 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
6 showing of good cause—taking into account the public interest in the prompt disposition of  
7 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
8 times . . . .”

9 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
10 information or indictment charging an individual with the commission of an offense shall be  
11 filed within thirty days from the date on which such individual was arrested or served with a  
12 summons in connection with such charges.”

13 4. In this case, the parties are attempting to globally resolve this matter and  
14 another matter before the defendant is formally charged in any criminal indictment and  
15 therefore seek an extension of the deadlines to do so. This continuance is not sought for the  
16 purposes of delay, but to allow the defendant and defense counsel an opportunity to  
17 examine the merits of a potential resolution between the parties.

18 5. Accordingly, the parties jointly request that the Court schedule the  
19 preliminary hearing in this case no sooner than 30 days from today’s date.

20 6. Defendant is in custody and agrees to the extension of the 14-day deadline  
21 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.  
22 § 3161(b).

1           7.       This extension supports the public interest in the prompt disposition of  
2 criminal cases by permitting defendant time to consider entering into a global pre-  
3 indictment plea agreement.

4           8.       Accordingly, the additional time requested by this stipulation is allowed  
5 under Federal Rule of Criminal Procedure 5.1(d).

6           9.       In addition, the parties stipulate and agree that the time between today and  
7 the scheduled preliminary hearing is excludable in computing the time within which the  
8 defendant must be indicted and the trial herein must commence pursuant to the Speedy  
9 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.  
10 § 3161(h)(7)(B)(i) and (iv).

11          10.      This is the fourth request for an extension of the deadlines by which to  
12 conduct the preliminary hearing and to file an indictment.

13               DATED this 25th day of January, 2023.

14                               Respectfully submitted,

15                               JASON M. FRIERSON  
16                               United States Attorney

17       /s/ Garrett T. Ogata  
18       GARRETT T. OGATA, ESQ.  
19       Counsel for Defendant BEASLEY

20       /s/ Daniel R. Schiess  
21       DANIEL R. SCHIESS  
22       ERIC C. SCHMALE  
23       Assistant United States Attorneys  
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UNITED STATES OF AMERICA,

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**[Proposed] Order on Stipulation to  
Extend Deadlines to Conduct  
Preliminary Hearing and  
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on January 30, 2023, at the hour of 4:00 p.m., be vacated and continued to \_\_\_\_\_ at the hour of \_\_\_\_\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

HONORABLE ELAYNA J. YOUCHAH  
UNITED STATES MAGISTRATE JUDGE